

DEPARTMENT OF THE NAVY  
Office of the Secretary  
Washington, D.C. 20350

CH-1 of 15 Aug 1973

SECNAVINST 5710.22  
OP-616  
7 October 1972

**SECNAV INSTRUCTION 5710.22**

**From: Secretary of the Navy**  
**To: All Ships and Stations**

**Subj: Procedures for handling requests for political asylum and temporary refuge**

**Encl: (1) DOD Directive 2000.11 of 3 March 1972**

**1. Purpose.** This instruction implements enclosure (1) within the Department of the Navy; establishes uniform policies and procedures and assigns responsibilities in the Department of the Navy for handling requests by foreign nationals for political asylum in R) the United States, or for temporary refuge. DOD policy, principles, and definitions are set forth in enclosure (1).

**2. Scope.**

a. The provisions of this instruction apply to all naval aircraft, water-borne craft, activities, and stations.

b. This instruction does not modify the special guidance in CNO message 201207Z August 1971, subject: Fence Jumpers (U) (NOTAL).

**3. Procedures.** Navy or Marine Corps officials will handle requests from foreign nationals for political asylum or temporary refuge as follows:

a. On the high seas or in territories under exclusive United States Jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, territories under United States administration, and possessions):

(1) At his request, an applicant for asylum will be received on board any naval aircraft or water-borne craft, Navy or Marine Corps activity or station.

(2) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction

or control, unless at the personal direction of the Secretary of the Navy. Persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

b. In territories under foreign jurisdiction (including foreign territorial seas, territories, and possessions):

(1) Temporary refuge shall be granted for humanitarian reasons on board a naval aircraft or water-borne craft, Navy or Marine Corps activity or station, only in extreme or exceptional circumstances wherein life or safety of a person is put in imminent danger, such as pursuit by a mob. When temporary refuge is granted, such protection shall be terminated only when directed by the Secretary of the Navy or higher authority.

(2) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the CNO or Commandant of the Marine Corps (Code AI). The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions.

(3) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

(4) While temporary refuge can be granted in the circumstances set forth above, permanent asylum will not be granted.

(5) Foreign nationals who request assistance in forwarding requests for political asylum in the United States will be advised to apply in person at the nearest American Embassy or Consulate.

c. The Chief of Naval Operations or Commandant of the Marine Corps (Code AI), as appropriate, will be informed by the most expeditious means of all action taken pursuant to subparagraphs 3a and 3b above, as well as the attendant circumstances. Telephone or voice communication will be used where possible, but must be confirmed as soon as possible with an immediate precedence message, information to the Secretary

SECNAVINST 5710.22 CH-1  
15 August 1973

of State (for actions taken pursuant to subparagraphs 3b(1) and 3b(6) of this instruction, also make the appropriate American Embassy or Consular Office an information addressee). If communication by telephone or voice is not possible, notification will be effected by an immediate precedence message, as described above. The Chief of Naval Operations or Commandant of the Marine Corps will cause the

R) Secretary of the Navy and the Deputy Director for Operations of the National Military Command Center to be notified without delay.

d. Reporting data regarding requests for political asylum or temporary refuge are listed in enclosure (2) to enclosure (1). Such data should be forwarded at the earliest opportunity.

e. Personnel of the Department of the Navy shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

f. No information concerning a request for political asylum or temporary refuge will be released to the public or to the media without the prior approval of the Assistant Secretary of Defense for Public Affairs. Immediately upon making a public release or acknowledgement to representatives of the media (with such

consent) the Department of the Navy officials concerned will report the information to the Operations Center of the Department of State.

4. **Responsibilities.** The Chief of Naval Operations (Deputy Chief of Naval Operations, Plans and Policy, OP-06) is responsible for the implementation of policies prescribed herein. The point of contact for expeditious processing and disposition of requests for political asylum or temporary refuge which are made to officials of the Department of the Navy, and for coordination with the Department of State, the Immigration and Naturalization Service (INS), and Department of Justice, shall be a member of the Politico-Military Policy Division, Ocean Affairs Branch (OP-616). The Ocean Affairs Branch shall be the action office to see that appropriate channels are maintained and procedures are implemented for the expeditious processing and disposition of requests for political asylum or temporary refuge in the Department of the Navy.

5. **Reports.** Reports symbol DD-ISA (AR) 1161 (2000) (MIN: ~~ETAUTH~~) is assigned the reporting requirement. *Cons. Order*  
*THE REPORTING REQUIREMENT*  
*CONTAINED IN THIS DIRECTIVE IS APPROVED UNDER JULY 1976.*

J. WILLIAM MIDDENDORF II  
Under Secretary of the Navy

Distribution:  
SNDL Parts 1 and 2  
MARCORPS Codes H and I

Stocked:  
Commanding Officer  
Naval Publications and Forms Center  
5801 Tabor Avenue  
Philadelphia, PA 19120



SECNAVINST 5710.22  
7 Oct 1972

March 3, 1972  
NUMBER 2000.11

ASD (ISA)

## Department of Defense Directive

SUBJECT Procedures for Handling Requests for Political Asylum  
and Temporary Refuge

- Refs: (a) Department of State Regulation, "Requests by Foreign Nationals for Political Asylum," January 4, 1972  
(b) Relevant portions of the Protocol Relating to the Status of Refugees (T.I.A.S. 6577), "which incorporates by Reference the substantive articles of the 1951 Convention Relating to the Status of Refugees"

### I. PURPOSE AND APPLICABILITY

- A. This Directive implements the provisions of references (a) and (b) within the Department of Defense. It establishes uniform policies and procedures and assigns responsibilities for handling requests by foreign nationals for political asylum in the United States or for temporary refuge.
- B. The provisions of this Directive apply to all DOD Components (Military Departments, Defense Agencies having field activities within the territorial jurisdiction of a foreign nation, Unified and Specified Commands).
- C. Its provisions do not modify the special guidance referred to in enclosure 1.

### II. DEFINITIONS

- A. Political Asylum. Protection and sanctuary granted by the United States Government within its territorial jurisdiction or on the high seas to a foreign national who applies for such protection because of persecution or fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Enclosure (1)

- B. Temporary Refuge. Protection afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or on the high seas, under conditions of urgency in order to secure the life or safety of that person against imminent danger, such as pursuit by a mob.

### III. NATIONAL POLICY

A. Political Asylum.

1. Article 33 of the Convention Relating to the Status of Refugees, provides:

"1. No Contracting State shall expel or return a refugee in any manner whatsoever to the frontier of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

"2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country."

The Treaty obligation of the United States under the foregoing provision is geographically limited to its territorial jurisdiction and the high seas, and is not applicable to persons seeking political asylum at United States instrumentalities stationed or temporarily located in the territorial jurisdiction of a foreign country.

2. Foreign nationals within United States territorial jurisdiction or on the high seas who request that they be granted political asylum in the United States shall be given a full opportunity to have their requests considered on their merits.
3. It is the general policy of the United States not to grant political asylum at its units or installations within the territorial jurisdiction of a foreign country to nationals of that country or nationals of a third state. Requests made in a

foreign country by nationals of a third state for political asylum in the United States are normally governed by the principle that the granting of political asylum is the right and responsibility of the government of the country in whose territory the request is made. Coordination with the host government concerning such requests will be affected through the appropriate American Embassy.

- B. Temporary Refuge. It is the policy of the United States to grant temporary refuge in a foreign country to nationals of that country and nationals of a third state, and on the high seas to the nationals of any country.

#### IV. PROCEDURES

DOD Components will handle requests from foreign nationals for political asylum or temporary refuge as follows:

- A. In territory under exclusive United States jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, possessions, and territories under United States administration) and on the high seas:

##### 1. General

- a. An applicant for political asylum will be received in a Department of Defense facility or on board a military vessel.
- b. A person seeking political asylum will be surrendered to foreign jurisdiction only at the personal direction of the Secretary of the Military Department or the Director of the Defense Agency concerned. In addition, persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

##### 2. Reports

- a. Immediately, upon receipt of a request from a foreign national for political asylum or an indication that a request is imminent, the DOD Component concerned will report the incident through appropriate channels by the fastest available means, as follows:

- (1) To the Military Department concerned in accordance with internal instructions, or
  - (2) To the Assistant Secretary of Defense (International Security Affairs) in accordance with Defense Agency instructions.
- b. The Military Departments concerned, or the ASD(ISA) will take immediate necessary action to notify the Operations officer at the Operations Center of the Department of State (Telephone Area Code 202/632-1512).
  - c. Telephone notification should be confirmed as soon as possible with an IMMEDIATE precedence message to the Military Department or the ASD (ISA) as appropriate, with an information copy to the Secretary of State.
  - d. Subsequently, the information specified in enclosure 2 will be forwarded in accordance with procedures prescribed.

### 3. Processing Requests

The United States Immigration and Naturalization Service (INS), Department of Justice, has primary responsibility for processing requests for political asylum within the United States, the Commonwealth or Puerto Rico, and U.S. possessions.

- a. All requests for political asylum will be reported to the nearest field office of INS (see enclosure 3) including all details known.
- b. As soon thereafter as feasible arrangements should be made with either the field officer or the INS Headquarters, if more convenient to transfer the asylum seeker to INS.

### 4. Protection

The DOD Component concerned will be responsible for the protection of the asylum seeker pending his transfer to INS subject to the following:

Mar 3, 72  
2000.11

- a. The primary responsibility for providing protection rests with a local State or Federal law enforcement or security agency having exclusive or concurrent jurisdiction over the place.
- b. If there is any indication of an attempt to abduct or otherwise harm the asylum seeker, an appropriate law enforcement or security agency should be requested to provide security for the individual.
- c. Interim measures will be taken to assure the safety of the individual against attempts at forcible repatriation, but no greater force will be used than necessary to protect the individual.
- b. Any inquiries from interested foreign authorities will be met by the senior official present with a response that the case has been referred to higher authorities for instruction.

In territories under foreign jurisdiction (including foreign territorial seas):

1. Temporary Refuge

a. General

- (1) The Senior official present at the DOD Component shore installation or facility or on board any military vessel may grant temporary refuge (see 11.B., above) to a foreign national, upon his request.
- (2) Temporary refuge will be terminated only when directed by higher authority through the Secretary of the Military Department or the Director of the Defense Agency concerned.
- (3) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

b. Reporting

- (1) The official granting temporary refuge will report the circumstances (as specified in

enclosure 2) by IMMEDIATE precedence message to the Military Department concerned or, as appropriate to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency Instructions with an information copy to the appropriate American Embassy or Consular office.

- (2) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the Military Department concerned, or as appropriate to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency Instructions by IMMEDIATE precedence message (with information copy to the appropriate American Embassy) stating all of the attendant circumstances of, and authority asserted for, the request. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions. A final decision will normally be made on a priority basis within 24 hours.

## 2. Political Asylum (see also V.D.4., below)

### a. General

- (1) Political asylum may not be granted in any shore installation or facility of a Department of Defense Component or on board any military aircraft or vessel within the territorial jurisdiction of a foreign country.
- (2) Foreign nationals who request assistance in forwarding requests for political asylum in the United States will be advised to apply in person at the nearest American Embassy or Consulate, subject to the internal procedures published by the Chief of Mission.
- (3) Requests for political asylum received by Attache personnel and other military personnel serving under the direction of a Chief of Diplomatic Mission will be governed by the appropriate instructions applicable to the diplomatic mission.



- b. Reporting. The official receiving the request for assistance in obtaining asylum will report the circumstances by immediate precedence message to the Military Department concerned or, as appropriate, to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency instructions with an information copy to the appropriate American Embassy or Consular office. This report should include so much of the information specified in enclosure 2 as is available.
- c. Public Release. No information concerning a request for political asylum or temporary refuge will be released to the public or to the media without the prior approval of the Assistant Secretary of Defense for Public Affairs. Immediately upon making a public release or acknowledgement to representatives of the media (with such consent) the DOD Components concerned will report the information to the Operations Center of the Department of State.

V. RESPONSIBILITIES

- A. The Assistant Secretary of Defense (International Security Affairs) is assigned overall responsibility for supervision and coordination of the policies and procedures prescribed herein.
- B. The Secretaries of the Military Departments and the Directors of Defense Agencies having field activities will:
  - 1. Designate an agent to exercise staff supervision of the implementation of policies and procedures prescribed herein with respect to cases arising within their respective departments or agencies.
  - 2. Establish a point of contact and appropriate channels and procedures for the expeditious processing and disposition of requests for political asylum or temporary refuge which are made to organizational elements under their jurisdiction (except the Panama Canal, Ryukyu Islands and areas under the jurisdiction of the Unified and Specified Commands (see C. and D., below).
  - 3. Establish appropriate channels for coordination with the Department of State and the Immigration and Naturalization Service (INS), Department of Justice, concerning

the expeditious processing and disposition of individual cases arising within their areas of jurisdiction.

4. Issue implementing regulations which are consistent with the provisions of this Directive.

C. The Secretary of the Army will develop and publish uniform DOD-wide guidance for use by personnel of the Military Departments and field offices of Defense Agencies located in the Panama Canal zone and, until reversion, the Ryukyu Islands in handling requests for political asylum and temporary refuge made by foreign nationals within these areas.

D. Commanders of Unified and Specified Commands will:

1. Develop, coordinate (see 4., below) and publish uniform DOD-wide guidance for use by personnel of the Military Departments and Defense Agencies with field offices located within the geographical area on handling requests for political asylum and temporary refuge made by foreign nationals within areas under U.S. exclusive jurisdiction or U.S. administration.
2. Supervise and monitor compliance with the provisions of this Directive with respect to cases arising in foreign countries.
3. Designate, as appropriate, a coordinating authority, with respect to policies, procedures, and guidance applicable in foreign countries.
4. Take action to coordinate procedures and the special guidance (see enclosure 1) applicable in particular foreign countries under Section IV.B.2., or because of exceptional circumstances.

#### VI. REPORTING REQUIREMENTS

Record keeping and reporting requirements prescribed herein are assigned Report Control Symbol DD-ISA(AR)1161. *MARCH 95*

#### VII. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two copies of implementing instructions shall be forwarded to the

Mar 3, 72  
2000.11

Assistant Secretary of Defense (International Security Affairs)  
within 90 Days.

  
Deputy Secretary of Defense

Enclosures - 3

1. Special Instructions
2. Reporting Data
3. INS Field Offices

2000.11 (Encl 1)  
Mar 3, 72

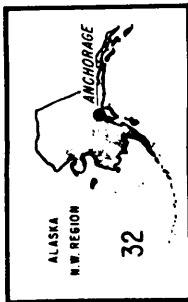
Guidance not replaced by DOD Directive 2000.11

1. Chapter 10, Part IV, Volume I, DIAM 58-11, 20 Aug 1968 (S),  
Subject: Defense Human Resources Intelligence Collection  
Management Manual (U).
2. JOINT STATE/DEFENSE MESSAGE to AMEMBASSY, BONN, US MISSION,  
BERLIN, CINCEUR, CINCUSAREUR, No. 046027, 190022Z Mar 1971 (S),  
Subject: U.S. Asylum Policy (U).
3. SM-876-62, dated 7 Aug 62 (S), Subject: Policy relating to  
Sino-Soviet Aircraft Landing on Airfields Where US Military  
Operational Units are Based (U).
4. CNO message 201207Z Aug 1971, Subject: Fence Jumpers (U).

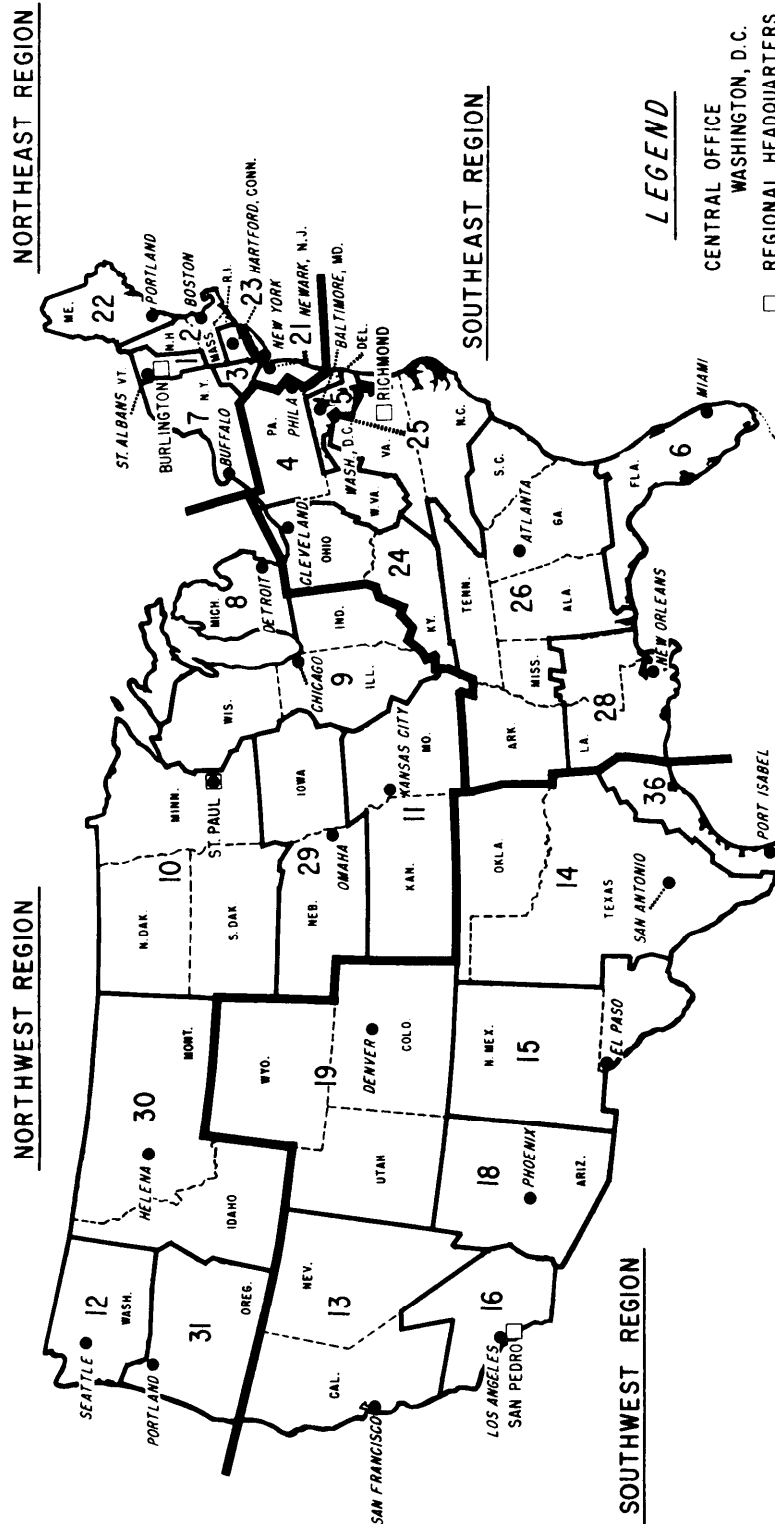
REPORTING DATA TO REQUESTS FOR POLITICAL ASYLUM OR  
TEMPORARY REFUGE

Relay as available. Report of initial request will not be delayed pending complete development of data.

1. Name and nationality of the individual seeking asylum (or temporary refuge).
2. Date, place of birth, and occupation.
3. Description of any documentation in his possession.
4. What foreign authorities are aware of his seeking asylum (or temporary refuge); whether any foreign authorities will be notified of the request.
5. Circumstances surrounding the request for asylum (refuge).
6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
7. Reason for claiming asylum or temporary refuge.
8. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also if any piracy at sea, air piracy or hijacking background.
9. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.
10. If applicable, whether a field office of the U.S. Immigration and Naturalization Service (INS) has been notified and if arrangements have been made to transfer case to INS.
11. Other pertinent information.



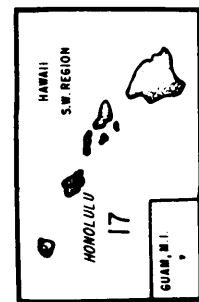
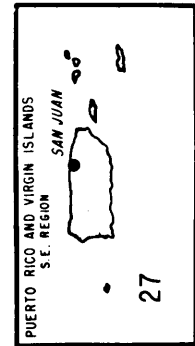
# IMMIGRATION AND NATURALIZATION SERVICE REGIONAL AND DISTRICT AREAS



## LEGEND

- CENTRAL OFFICE  
WASHINGTON, D.C.
- REGIONAL HEADQUARTERS
- 2 DISTRICT NUMBER
- REGIONAL BOUNDARY LINE
- DISTRICT

- 33 MANILA, THE PHILIPPINES
- 34 FRANKFURT, GERMANY
- 35 MEXICO CITY, MEXICO
- 37 ROME, ITALY



2000.11 (Encl 3)  
Mar 3, 72

